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Ashley Smith Ashley Smith
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GROUP 1700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:)

Walter Bernard Hill, Jr.)

Application No.: 09/978,159)

Filed: October 16, 2001)

Group Art Unit: 1713

Examiner: Cheung, William K.

For: LEATHER WATERPROOFING FORMULATION AND LEATHER GOODS WATERPROOFED THEREWITH

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

May 21, 2003

Sir:

In response to the Office Action dated April 21, 2003, for which the Examiner has set a one-month period for response, thus making the response due on or before May 21, 2003, the applicants respond as follows.

In the Office Action, the Examiner sets forth a three-way Restriction Requirement. The applicants are required to elect one group selected from the following three groups:

I. Claims 1-25, 31-39, 46, drawn to a polymeric aqueous composition, classified in class 524, subclass 379.

II. Claims 26-28, drawn to a process to input water repellency, classified in class 69, subclass 32.

III. Claims 29-30, 40-45, drawn to treated hide, classified in class 69, subclass 32.

In response, the applicants elect with traverse the subject matter of Group I directed to polymer aqueous compositions which encompasses claims 1-25, 31-39, and 46.

The applicants believe that the remaining subject matter as set forth in Groups II and III

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Response To Restriction Requirement
U.S. Patent Application No. 09/978,159


should also be examined at this time since it appears there would be no serious burden on the Examiner to include this subject matter in any search and examination. In fact, the classifications identified by the Examiner are the same for Group II and Group III. Furthermore, since these claims are dependent, directly or indirectly, on the subject matter of Group I, there would be no serious burden, in the opinion of the applicants, to search all of the subject matter at this time. As set forth in MPEP §803, if there is no serious burden in searching all of the subject matter, the Examiner must proceed with searching all of the subject matter even if there is more than one invention set forth in the claims.

Accordingly, the Examiner is respectfully requested to examine all of the claims at this time and to withdraw the restriction requirement.

Finally, for the record, the undersigned is unaware and has no record of any telephone call made on April 9, 2003 requesting an oral election in this application.

If there are any fees due in connection with the filing of this response, please charge the fees to deposit Account No. 50-0925. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and should also be charged to said Deposit Account.

Respectfully submitted,


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FACSIMILE TRANSMISSION COVER SHEET

DATE: May 21, 2003

TO: Examiner Cheung, William K.
Group Art Unit 1713
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RE: U.S. Patent Application No. 09/978,159
For: LEATHER WATERPROOFING FORMULATION AND LEATHER GOODS
WATERPROOFED THEREWITH
Our Ref: 3597-129

FROM: Luke A. Kilyk, Esq. *AK*

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Ashley Smith
Name of Person signing Certificate

Ashley Smith
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